IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HONOURBALE SRI JUSTICE ELIPE DHARMA RAO

W.P. No. 17255 OF 2005

Dated : 4th August, 2005

Between:

Vinayak Rao

Petitioners

AND

The Executive Officer,

Velpur Gram Panchayat

Nizamabad district and two others.

Respondents

THE HONOURBALE SRI JUSTICE ELIPE DHARMA RAO

W.P. No. 17255 OF 2005

ORAL ORDER:

Seeking a writ of mandamus declaring the action of the respondent in contemplating to demolish the petitioner's residential house bearing No.11-56 situated at Velpur, Nizamabad District as illegal and arbitrary and to consequently direct the respondents not to demolish the same, the petitioner filed this writ petition.

The case of the petitioners is that he is the absolute owner and possessor of the above house property and himself and his famioy members are residing in the said house. The respondents, while denying the title of the property are trying to dispossess him so as to widen the road and in doing so, they have not issued any notice. In furtherance of their act of dispossession, the subordinates of the first respondent went to the house of the petitioner on 22.4.2005 and attempted to demolish the compound wall, which was subsequently followed by another attempt to demolish the house on 14.7.2005. Therefore, the petitioner came up with the present writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Roads and Buildings.

The issue involved in this writ petition is no more *res integra* in view of the guidelines issued by a Division Bench of this court in *Pilli Lakshmana Rao and others Vs. Executive Officer, Gram Panchayath, Challapalle and others ()*, wherein it is held that when any property is required for public purpose, the authorities straightaway cannot take the law into their hands and jump into the premises and attempt to evict the occupants or dispossess them or demolish their property. Before taking any such action, the authorities concerned shall issue a notice notifying as to the nature of the property, the purpose for which it is required, to whom it belongs and the action proposed calling for explanation or objections, if any, from the occupants and after considering the said objections or explanation, the authorities shall pass appropriate orders.

Having regard to these guidelines, the respondents are directed to follow the guidelines issued in *Pilli Lakshmana Rao* case, if they intend to demolish the dwelling houses of the petitioner, as averred in

the affidavit.

With these directions, the writ petition stands disposed of. No order as to costs.

Elipe Dharma Rao, J.

August 4, 2005

MAS.